



RECEIVED

OCT 28 2002

TC 1700

RECEIVED

OCT 29 2002

TECH CENTER 1600/2900
PATENT APPLICATION

10/29/02
#8
DB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: A8275

Johnson CHUNG, et al.

Appln. No.: 10/057,561

Group Art Unit: 1651

Confirmation No.: 4657

Examiner: LILLING, H. J.

Filed: January 29, 2002

For: MUTANT ACTINOSYNNEMA PRETIOSUM STRAIN WITH INCREASED
MAYTANSINOID PRODUCTION

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is responsive to the Office Action mailed August 9, 2002. The examiner set a one month period for the response. Attached hereto and herein incorporated by reference is a Petition for a two-month extension of time, making the due date for response November 9, 2002.

In response to the restriction requirement set forth in the Office Action, Applicants elect **Group I**, which includes claim 1, for examination. This election is made **without traverse**.

Applicants note that under 35 U.S.C. §103(b)(1), a biotechnological process using a composition of matter that is novel under §102 and nonobvious under §103(a) shall be considered nonobvious if claims to the process and the composition of matter are contained in the same application.

BEST AVAILABLE COPY

RESPONSE TO RESTRICTION REQUIREMENT
U.S. Appln. No. 10/057,561

A8275
Page 2

Therefore, Applicants request that if claim 1, directed to a bacterium, is allowed, that claims to the method of using the bacterium (claims 2-4) be rejoined and held allowable under 35 U.S.C. §103(b)(1).

Applicants reserve the right to file a Divisional Application directed to non-elected claims 2-4.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Respectfully submitted,



Drew Hissong
Registration No. 44,765

Date: October 23, 2002

BEST AVAILABLE COPY